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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,107	04/01/2005	Kinnichi Yamada	10873.1665USWO	9647
52835 7590 11/15/2007 HAMRE, SCHUMANN, MUELLER & LARSON, P.C. P.O. BOX 2902 MINNEAPOLIS, MN 55402-0902			EXAMINER PARK, JEONG S	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/530,107

Applicant(s)

YAMADA ET AL.

Examiner

Jeong S. Park

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to communications filed September 21, 2007.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-6 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delph (U.S. Patent No. 6,199,104 B1) in view of Parry et al. (hereinafter Parry)(U.S. Pub. No. 2003/0179112 A1) and further in view of Umezu et al. (hereinafter Umezu)(U.S. Patent No. 7,035,959 B2).

Regarding claim 1, Delph teaches as follows:

a data relay device (intermediate server, 501 in figure 1) for connecting a plurality of kinds of testing or measuring devices (host computer, 80 in figure 1) generating test data or measurement data (host data) in different formats (a host computer sends host data to an intermediate server interfaced with a network, see, abstract) to a network including a data management device (file server, 7 in figure 1) for processing the test data or the measurement data (receiver 90 in figure 1, see, e.g., col. 3, line 61 to col. 4, line 13), comprising:

a data receiving portion for receiving the test data or the measurement data from the testing or measuring devices (an intermediate server receives data from a host computer, see, e.g., col. 3, lines 3-4); and

a converting portion (conversion program) for converting the test data or measurement data received by the data receiving portion into a common format (an intermediate server translates the data with a conversion program into a format common to a network, see, e.g., col. 3, lines 4-6) that is processable by the data management device (receiver 90 in figure 1)(an intermediate server sends the translated data through the network to a plurality of the receiver computers, see, e.g., col. 3, lines 6-8).

Delph does not specify as follows:

the receiver computer as the applicant's data management device; and  
the host computer as the applicant's plurality of kinds of testing or measuring devices even though it is obvious to use a computer as a testing or measuring device.

Parry teaches as follows:

a system automatically converting data received from a remote device (see, e.g., page 1, paragraph [0007]);

a data conversion system is coupled to at least a first remote device (see, e.g., page 1, paragraph [0007]);

the conversion device is configured to receive information from at least the first remote device, wherein the information is configured to enable conversion of data from a first format to a second format (see, e.g., page 1, paragraph [0007]);

remote devices generating data in different formats (see, e.g., page 2, paragraph [0020], lines 12-15 and figure 1); and

file server (7 in figure 1 interpreted as the applicant's data management device)

is one of the plurality of receiver computers (9 in figure 1) and an intermediate server sends the translated data through the network to a plurality of the receiver computers, see, e.g., page 2, paragraphs [0020] and [0027]).

Also Umezu teaches as follows:

a measuring device controlling device (900 in figure 9) is coupled to the measuring device (400 in figure 9) through the network (see, e.g., col. 23, lines 28-40); and

utilizing a conventional personal computer as a measuring device controlling device to control a plurality of measuring devices (see, e.g., col. 23, lines 41-58).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Delph to include the file server as taught by Parry in order to efficiently manage converted data received from the conversion device and to modify Delph to include the measuring device controlling device, can be implemented with a conventional PC, connected to the plurality of measuring device as taught by Umezu in order to utilize any conventional personal computer as a testing or measuring device even though it is obvious to use a computer as a testing or measuring device.

Regarding claims 4 and 9, Delph teaches as follows:

a conversion program storing portion for storing a conversion program for causing the converting portion to conduct a conversion processing according to the kind of each of the testing or measuring devices (see, e.g., col. 4, lines 1-4).

Delph does not teach as follows:

a conversion program obtaining portion for determining whether a conversion

program for a testing or measuring device is stored in the conversion program storing portion when the testing or measuring device is newly connected and, if not, requesting the conversion program.

Parry teaches as follows:

the conversion device (10 in figure 1) is configured to recognize what format the data is currently in and what format the data is to be converted into. If the conversion device does not have the available resources to perform the conversion, the conversion device is configured to look for outside help (foreign device, 11 in figure 1)(see, e.g., page 3, paragraph [0033], lines 1-12); and

a conversion program storing device (foreign device, 11 in figure 1) for storing conversion programs for various kinds of the data generating devices (the foreign device may have the available resources to perform the conversion, see, e.g., page 3, paragraph [0033], lines 12-20).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Delph to include a feature of determining whether a conversion program for the data is stored in the conversion program storing portion or not as taught by Parry in order to provide data conversion for all different kinds of data formats by outsourcing a conversion program when the conversion device cannot provide the correct conversion program.

Regarding claims 5, 10 and 11, Delph teaches as follows:

an analyzing portion for extracting a feature of the data received from the testing or measuring device, thereby specifying the kind of the connected testing or measuring

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device (Since the host computer has Intranet, 140 in figure 2, connection to the relay device, specifying the kind of the connected testing or measuring device is inherent feature from the Intranet connection, see, e.g., col. 6, lines 18-21 and figure 2).

Regarding claim 6, Delph, Parry and Umezu teach all the limitations of claim as explained above per claim 1, also Parry teaches as follows:

the testing or measuring devices (remote device including PC, 5 in figure 1) are connected to a data management device (file server, 7 in figure 1) on the network (Internet 40 and Intranet 140 in figure 2)(see, e.g., page 2, paragraph [0020]); and

the data management device (file server, 7 in figure 1) processes the data from the testing or measuring devices in the common format (see, e.g., page 2, paragraph [0028]).

Regarding claim 12, Delph, Parry and Umezu teach all the limitations of claim as explained above per claim 6 and 9, also Delph teaches as follows:

the interconnection between two intermediate servers (50 and 150 in figure 2) through HTTP tunnel (210 in figure 2)(see, e.g., col. 6, lines 46-48).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Delph, Parry and Umezu to include a connection to other data relay device in order to share the conversion programs through existing network connection.

Regarding claim 13, Delph, Parry and Umezu teach all the limitations of claim as explained above per claim 6 and 9, also Parry teaches as follows:

if the conversion device does not have the available resources to perform the conversion, the conversion device is configured to look for outside help from foreign

devices (11 in figure 1)(see, e.g., page 3, paragraph [0033], lines 9-12).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Delph, Parry and Umezu to include periodic access to the conversion program storing device (foreign device) for conversion program updating in order to automatically update the conversion program from the conversion program storing device.

4. Claims 2, 3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delph (U.S. Patent No. 6,199,104 B1), Parry et al. (hereinafter Parry)(U.S. Pub. No. 2003/0179112 A1) and Umezu et al. (hereinafter Umezu)(U.S. Patent No. 7,035,959 B2) in view of Yuki (U.S. Pub. No. 2002/0165984 A1).

Regarding claims 2 and 7, Delph teaches that setting-up session communication between host computer (80 in figure 1) and intermediate server (50 in figure 1), wherein exchanging each device's information is inherent (see, e.g., col. 5, lines 6-12).

Parry teaches that a remote device (5 in figure 1) is configured to communicate electronically with the conversion device (10 in figure 1), wherein the electronic communication implicitly discloses the device information exchanges between two devices (see, e.g., page 2, paragraph [0021]).

Delph, Parry and Umezu do not explicitly teach the collecting connected device's information and updating the connected device information in the data relay device.

Yuki teaches as follows:

providing a device information renewal system for use in a network in which a computer terminal (11 in figure 12, working as a data relay device) and image forming



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devices (13 in figure 12, working as a data generating device) are connected (see, e.g., page 1, paragraph [0014], lines 1-4);

a storing unit on the computer terminal receives device information of image forming devices and stores in a memory of the terminal as old device information (13 in figure 12)(see, e.g., page 1, paragraph [0014], lines 5-10);

a comparison unit receives new device information of image forming devices and old device information from the storing unit and determines whether the new device information matches with the old device information (see, e.g., page 1, paragraph [0014], lines 10-15); and

a renewal unit renews the old device information stored in the memory of the terminal with the new device information (see, e.g., page 1, paragraph [0014], lines 15-19).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Delph, Parry and Umezu to include collecting connected device's information and updating the connected device information in the computer terminal as taught by Yuki in order to efficiently renew the device information of the connected devices.

Regarding claims 3 and 8, Delph teaches as follows:

a device information sending portion (intermediate server 50 and 150 in figure 2) for sending the device information received from the data generating device (host data) to a data management device (local storage device 60 and 160 in figure 2) for processing the data from the data generating device via the network (intermediate server stores

translated host data into the local storage device and receiver computer contacts intermediate server through Internet using a single URL, see, e.g., col. 5, lines 65-67).

***Response to Arguments***

5. Applicant's arguments filed 9/21/2007 with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

A. Summary of Applicant's Arguments

In the remarks, the applicant argues as followings:

1) In rejecting claims 1, 4-6 and 9-13 as being obvious over Delph in view of Parry and claims 2, 3, 7 and 8 are rejected as being obvious over Delph, Parry in view of Yuki. Neither reference discloses or suggests that the data relay device is connected to a plurality of testing or measuring devices that generate test or measurement data in different formats.

B. Response to Arguments

In response to argument 1), the amended claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Delph (U.S. Patent No. 6,199,104 B1) in view of Parry et al. (hereinafter Parry)(U.S. Pub. No. 2003/0179112 A1) and further in view of Umezu et al. (hereinafter Umezu)(U.S. Patent No. 7,035,959 B2).

Delph teaches a host computer to send host data to the conversion device (see, e.g., abstract).

Also Umezu teaches as follows:

a measuring device controlling device (900 in figure 9) is coupled to the measuring device (400 in figure 9) through the network (see, e.g., col. 23, lines 28-40);

and

utilizing a conventional personal computer as a measuring device controlling device to control a plurality of measuring devices (see, e.g., col. 23, lines 41-58).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Delph to include the measuring device controlling device, can be implemented with a conventional PC, connected to the plurality of measuring device as taught by Umezu in order to utilize any conventional personal computer as a testing or measuring device.

Also, it would have been obvious for one of ordinary skill in the art at the time of the invention to use the computer as the test or measuring device or connecting the testing or measuring device after the computer as an end-device.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeong S. Park whose telephone number is 571-270-1597. The examiner can normally be reached on Monday through Friday 7:00 - 3:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JP

October 31, 2007

NATHAN FLYNN  
SUPERVISORY PATENT EXAMINER  
SUPERVISORY PATENT EXAMINER  
NATHAN FLYNN